

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-254-E - ORDER NO. 2008-695
OCTOBER 9, 2008

IN RE: Complaint of Autherine Tucker on Behalf of)
 Hope Tucker v. Duke Energy Carolinas, LLC)
)
) ORDER GRANTING
) REQUEST FOR
) CONFIDENTIAL
) TREATMENT

This matter comes before the Public Service Commission of South Carolina (Commission) upon the request of Duke Energy Carolinas, LLC, (Duke Energy or the Company) for confidential treatment of Exhibits 1 and 2 of its filing. On September 8, 2008, Duke Energy filed its Response to Motion to Stay Dismissal of the Complaint of Hope Tucker (Response). Concurrent with this filing, Duke Energy filed a request seeking confidential treatment.

Duke Energy seeks confidential treatment of Exhibits 1 and 2 to the Company's Response that contains customer information Duke Energy designates as confidential pursuant to the Company's privacy policy. This information includes the account number and electricity usage data personal to Hope Tucker.

The South Carolina Freedom of Information Act (FOIA) allows exemption from disclosure of proprietary business information that meets a definition of "personal information." S.C. Code Ann. Section 30-4-40(a)(2) states that matters which may be exempt from FOIA include: "(2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy." Further,

pursuant to 26 S.C. Code Ann Regs. 103-804(S)(2), the determination of whether a document may be exempt from disclosure is within the Commission's discretion.

Pursuant to Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials", issued May 6, 2005, Duke Energy delineates in its request the material for which the Company seeks confidential treatment and files such information in a separate package clearly marked "confidential."

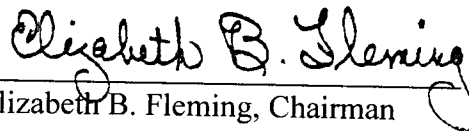
Because the Commission has found that the information for which Duke Energy seeks protection is confidential, private, and personal in nature and that disclosure of such information would constitute an invasion of personal privacy, the request for confidential treatment is granted.

IT IS THEREFORE ORDERED THAT:

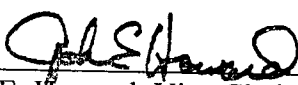
1. The request of Duke Energy Carolinas, LLC for confidential treatment is granted. Accordingly, Exhibits 1 and 2 to Duke Energy Carolinas, LLC's Response to Motion to Stay Dismissal of the Complaint of Hope Tucker shall be declared confidential and shall be afforded confidential treatment.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)